

IPSWICH BOARD OF SELECTMEN
Meeting of Monday, February 28, 2011 ~ 6:30 pm
Ipswich Town Hall, 25 Green Street

With a quorum present, Mr. Surpitski called the meeting to order at 6:35 pm.

Selectmen present: Charles Surpitski, Chair; Raymond Morley, Vice Chair; Patrick McNally, Shirley Berry; William Craft

Also Present: Robert Markel, Town Manager; Jennifer F. Breaker, Assistant to the BOS/TM; Catherine Tinsley, Minutes Secretary

Abbreviations used:

BOS Board of Selectmen

TM Town Manager

FY Fiscal Year

Public Information:

Agenda

Mooring Regulations Update

Shellfish Rules and Regulations

2012 Budget

EXECUTIVE SESSION (ES)

6:35 pm – Mr. Craft made a motion to enter into ES according to MGL Chapter 39, section 23A and 23B (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel and that the BOS return to open session. Mr. McNally seconded and the motion carried unanimously by roll call vote.

7:20 pm the BOS returned to open session.

LICENSES AND PERMITS

Antiques License

Mr. Surpitski stated that Constance Mastrangelo purchased High Street Antiques from George Perkins and a new license must be issued.

Mr. McNally made a motion to approve the Antiques License for Constance Mastrangelo. Mr. Craft seconded and the motion carried by unanimous vote.

APPROVAL OF MINUTES - February 22, 2011

Mr. Morley made a motion to approve the February 22, 2011 BOS minutes. Mr. McNally seconded and offered one edit to change the Shellfish Hearing date from March 1, 2011 to February 28, 2011. The motion carried by unanimous vote.

TOWN MANAGER REPORT

Mr. Markel reported on FY12 saying the School Department is requesting an additional 1% of town revenue, which is about \$487,000. He went on to say that the town's budget is balanced for FY 2012, which does not include the long list of capital projects. He stated that if town meeting approves the transfer of the money, significant cuts would be made to town services. Information and a contingency plan will be prepared for presentation to the public and to town meeting.

Mr. Markel attended a conference regarding the TIP (Transportation Improvement Plan) saying the town remains hopeful to get on the TIP list for the funding of the Central and Main Street project.

Mr. Markel's report also included updates that the town is waiting approval from the State Treasurer authorizing the Septic Management Loan Program; a planning grant application has been competed. The Town has submitted a grant request to fund a study to be done regarding a Regional Public Health Department and applied for a grant to fund the study of the Sylvania dam in the center of town to determine the advantages or disadvantages of removing the dam.

Mr. Markel reported on collective bargaining saying a contract with the dispatchers union was signed and terms have been reached with Group 4 / Linemen for a 3 year contract; negotiations with the Police Union for FY 12 and FY13 continues.

Mr. Markel confirmed that the BOS will be given a final presentation on the Washington Street reconstruction project and that the town continues to work on the best way to implement the state mandated requirement that residents with four or more dogs have a kennel license. This will be on the next agenda for further discussion and understanding, including the town's bylaw.

Dr. Paul Milbury, 17 Skytop Road defined that the state refers a kennel as a collection of three or more dogs, not a building and requires no formal permitting or inspection. He supported the BOS to put this on a future agenda.

NEW BUSINESS

Ms. Berry commended the Fire and Police Departments working the two major fires over the weekend. She added that a fund has been set up for the Kilgours who lost everything in their house fire. She recognized the community for pulling together for both the family and those residents at Oak Hill Apartments.

Ms. Berry was thanked for her assistance during these events.

OLD BUSINESS/ UPDATES

MISCELLANEOUS & CORRESPONDANCE

The Chair reviewed that Timothy Perkins resigned from the Zoning Board of Appeals (ZBA). He acknowledged a letter of interest from alternate Lewis Vlahos in filling the vacancy; the open seat on the ZBA will be advertised.

He also announced that Deborah Barnwell and Barta Hathaway were elected Co-Chairpersons for the 2011 term for Ipswich Cultural Council replacing Terri Unger who was recognized for the amazing job over the last four years.

The Chair noted other miscellaneous correspondences to the BOS.

CITIZEN QUERIES

Joe Sammon 47 Brownville Ave asked who in town regulates signs, - traffic, parking, etc and was told they are regulated by the BOS. He also requested access to the town's records of fees paid to lawyers, consultants and questioned the process. He was advised to start with the Town Manager's office.

PUBLIC HEARING – SHELLFISH RULES & REGULATIONS

Mr. Surpitski requested for the BOS to open the Shellfish Hearing as scheduled and continue it to after the Mooring Regulation Update, citing those in attendance were interested in the Mooring Regulations, and was so granted.

Mr. Surpitski read the legal notice and opened the hearing at 7:54 pm.

Residents of the Town of Ipswich please note the Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room, Town Hall, on Tuesday, February 22nd, 2011 and Monday, February 28th, 2011, both at 7:45 PM to hear testimony on the following proposed amendments to the Shellfish Rules and Regulations:

Amend "SECTION 5 – NON-RESIDENT RECREATIONAL PERMITS", third paragraph, by decreasing the fee from \$30.00 per day to \$20.00 per day.

Amend "SECTION 5 – NON-RESIDENT RECREATIONAL PERMITS", by adding new paragraph at the end thereof, "Out of state residents may be issued a one day recreational clamming permit under the following conditions: a. They name in the application the name and permit number of the Ipswich licensed clammer (whether recreational or commercial) that will accompany them. b. That they in fact be accompanied while clamming by the sponsoring clammer on the day specified on the permit. c. That a fee of \$20.00 be paid at the time of the application. d. One time each year any active

member of the armed forces of the United States shall be issued a license exempt from the fee. All other requirements for the issuance of this permit shall apply.

Amend "SECTION 13 – SHELLFISH GRANT REGULATIONS", by deleting current section 13 and replacing it with new section 13.

Section 13 deals with private shellfish grant regulations. These regulations are also commonly referred to as private aquaculture. The new section 13 adds and/or amends policies and procedures for the following shellfish grant related activities: general provisions, initial application, renewal of grants, harvesting, farming activities, enforcement and penalties, authority, and fees.

The edits to Section 13 – Shellfish Grant Regulations can be found online at www.ipswichma.gov or in the Town Managers office at 25 Green Street, Ipswich, Massachusetts.

Mr. Morley made a motion to open the hearing at 7:56 pm and continue later into the meeting. Mr. McNally seconded and the motion carried by unanimous vote.

MOORING REGULATIONS UPDATE

Present: Police Chief Paul Nikas, Harbor Master; James Zabelski, Assistant Harbor Master

Chief Nikas stated that the Regulations have been in draft form for the past 6 months during which time he worked with the Waterways Committee to give Ipswich the best possible group of regulations. He confirmed Town Counsel reviewed the draft.

Mr. Surpitski further explained that this is not a public hearing but a presentation to the BOS and will be open for public comment. The Harbor Master has the authority to approve the regulations after a Public Hearing, which is scheduled for March 1, 2011.

Chief Nikas gave an overview of how the regulations were established, identified the mapping of mooring fields, and stated there is a waiting list for moorings. He identified that there are 937 moorings; currently 60 % of the moorings are used by Ipswich residents / 40 % are non-residents.

Chief Nikas explained that all the separate waiting lists have been merged based on seniority, including members of yacht club, and the public waiting list; this list will not be finalized until June. The list is available to the public on the web site. He said this list has no differentials of mooring locations e.g. inner / outer harbor; the new regulations allow for each person to have three mooring location choices.

He also noted that the federally mandated "No Discharge Zone" sanitation is now addressed in the regulations.

The Board went through each section for comments / questions

Article I: Purpose

§ 1 Authority/ Enforcement

§ 2 Definitions

16) Strike duplicate wording "of watercraft" in first line

§ 3 Applicability

This allows for two boats per person on the waiting list

Article II – Mooring Area

§1 Designated Mooring Area

a. Authorized Area (13 area's listed)

Chief Nikas clarified that the IBYC does not own moorings but provides access to the waterfront and therefore access to moorings, noting state regulations require access to your boat. The moorings are based on the size of the boat and only that boat can be on the mooring. Dinghies and small boats are exempt; everything with mechanical power in Massachusetts must be registered.

There is limited public access to the waterfront. All public access is being identified and marked by the Waterways Committee. Chief noted that tides affect many areas, therefore limiting access to moorings. The Town Warf on the river is public and does not guarantee access without the ability to own a second boat.

§ 2 Marinas & Yacht Clubs

Harvey Schwartz, 11 Marshview Road identified he was speaking on behalf of the Ipswich Bay Yacht Club (IBYC). He recognized the Waterways Committee for their work and compromises in revising the Mooring Regulations, stating that the IBYC is in favor of the Mooring Regulations as proposed.

IBOS 2.28.2011

He reviewed that IBYC is a non-profit organization that serves its members and the community. The IBYC provides a launch service, public fueling dock, and other community services including providing dock space to the Ipswich Police Department. The IBYC has access to 200 moorings and their only concern is that this is maintained and continued.

Chief Nikas reiterated that the IBYC does not own moorings but that they have access to 200 moorings within their waterfront and provides the launching service, which is licensed by the Coast Guard for a half-mile radius. The IBYC has limited parking and has reached maximum capacity and these two components prevent them from expanding.

Article III: Mooring Permits

§ 1 Vessels required to have mooring permit

§ 2 Obtaining a new mooring permit

§ 3 Renewal of an existing permit

D) The word “may”(be denied) is replaced with “shall” (be denied)

Article 1V: Mooring Fees

§ 1 Mooring Fees

Chief noted that the fee for residents and non-residents is the same citing these are state waters; a different fee can be charged if the mooring holder is out of state.

Article V: Mooring Tackle Specifications, Identification & Inspection of Moorings

§ 1 Mooring Tackle Specifications

1) Replace 6 ft with 4 ft.

§ 2 Identification of Moorings

§ 3 Identification of Vessels or Other Objects Secured By Mooring Tackle

§ 4 Mooring Inspection

Mooring Inspection Guidelines

Qualified Mooring Inspectors

6) Wording clarified that qualified mooring inspector has no law enforcement authority

7) The Mooring Inspector, with approval of the mooring holder may inspect the mooring or use a Diver (the mooring inspector is a registered Diver

§ 5 Moving Relocations, Removal or Mooring

§ 6 Transient / Temporary Permit Requirements;

§ 7 Rental of Moorings:

§ 8 One-Year Rule

§ 9 Mooring Float Regulations for Private Use

d) Change 6 feet to 4 feet

h) Strike h

§ 10 Waiting Lists for Mooring Location Assignment

§ 11 Assignment of Mooring Location in Waiting List Area

§ 12 Waiting List renewal and Removal from List

§ 13 Lost Moorings

Article VI: Special Provisions

§ 1 Pollution Control

§ 2 Maneuverability

Houseboats must have a way to be controlled by power source.

§ 3 Use of Waterways Prohibited

§ 4 Anchoring

§ 5 Town Landing and Floats

§ 6 Violations

§ 7 Conformance with Existing Regulations

Appendix

The meeting was open to the public for general comments.

The BOS recognized the work in creating a base and bringing it forward.

The public in attendance was also thanked for their interest and attending

A Public Hearing is posted for tomorrow, March 1, 2011

The BOS took a recess at 9:45 pm and reconvened at 9:54 pm

PUBLIC HEARING; Shellfish Rules & Regulations – Continued

The Chair opened the hearing at 9:58 pm, noting it was continued earlier in the meeting.

Present: Police Chief Paul Nikas, Harbor Master

Chief Nikas reviewed the Shellfish Rules and Regulations and noted the changes made from the last hearing 2.22.2011.

Mr. Craft questioned if the program is being given a fair shot or if the program is too stringent to be successful.

The hearing was open for comment

Linda Alexson, 19 Juniper Street thanked Mr. Surpitski for chairing the hearings and meetings complimenting him on allowing people to speak and for his respect.

She talked about the pros and cons of what has happened in the past saying the private farms failed.

She noted the cost to taxpayers with lawsuits from the previous grant holders. She went on to suggest that the farms would put a strain on the police/ harbor departments and the constable.

She suggested the town increase commercial licenses instead and offered that this also increases revenue to the town.

John Pelletier, 59 Topsfield Road addressed the process of which the rules and regulations were made saying he felt it was bias. He said that mapping was not done properly.

Mr. Surpitski stated that the maps have not been done for farming and specific areas have not been identified.

He went on to suggest that some areas are desolate and cannot be easily monitored and some areas will be under ice for months and not farmable.

He also identified what he felt were errors in the wording of the Regulations.

Mr. McNally made a motion to close the Hearing at 11:10 pm. Mr. Craft seconded and the motion carried by unanimous vote.

Mr. Morley made a motion to Amend "SECTION 5 – NON-RESIDENT RECREATIONAL PERMITS", third paragraph, by decreasing the fee from \$30.00 per day to \$20.00 per day. Mr. McNally seconded and the motion carried by unanimous vote.

Mr. McNally made a motion to Amend "SECTION 5 – NON-RESIDENT RECREATIONAL PERMITS", by adding new paragraph at the end thereof, "Out of state residents may be issued a one day recreational clamming permit under the following conditions: a. They name in the application the name and permit number of the Ipswich licensed clammer (whether recreational or commercial) that will accompany them. b. That they in fact be accompanied while clamming by the sponsoring clammer on the day specified on the permit. c. That a fee of \$20.00 be paid at the time of the application. d. One time each year any active member of the armed forces of the United States shall be issued a license exempt from the fee. All other requirements for the issuance of this permit shall apply. Mr. Morley seconded and the motion carried by unanimous vote.

Mr. McNally made a motion to Amend "SECTION 13 – SHELLFISH GRANT REGULATIONS", by deleting current section 13 and replacing it with new section 13 with changes as discussed at the February 22, 2011 BOS meeting. Mr. Morley seconded. Mr. Craft requested an amendment, which was accepted by both parties, with the understanding that the BOS reviews a formal report and updated including issues encountered and that the mapping is done properly and areas identified. Mr. Morley seconded and the motion carried by majority vote with Ms. Berry voting in the negative.

Mr. Surpitski reviewed that Ms. Berry had questioned if a high school shellfish permit can be applied for by a student still in the 8th grade, citing applications for the summer must be submitted in February but the student will be out of jr. high by summer.

The Town Manager said he spoke to the Superintendent who responded that the student is considered a high school student as of September 1st.

The Board further talked about the intent to allow a student four years on a student license and how this time is determined.

The Shellfish Advisory Board will be asked to make a recommendation to the BOS. A public hearing will be posted if changes are made.

Mr. Craft recommend to the Shellfish Advisory committee to consider clarifying the language of the junior license and make a recommendation to the BOS and that the student who submitted the application is held until such a discussion and determination is made without penalty.

Mr. Morley offered the suggestion that the junior license be by age e.g. 14 to 18 rather than grade.

BUDGET HEARINGS

The presentations of the department budgets included the Department Name, Department Goal/ Mission Statement; Number of Employees (FT/ PT) Number of residents served; Strategic Objectives including Accomplishments, Goals, Priorities, Challenges, Operational Objectives, Financial Objectives, and General Discussion. Revenues, and grants received were included where applicable.

220 FIRE DEPARTMENT BUDGET HEARING

Present: Lt Rick Smith, Ipswich Fire Department

Lt Smith said on behalf of the IFD he offered condolences to the family of the woman who perished in the Oak Hill fire this past weekend.

Regarding the increase in the budget, he explained it is governed by contractual agreements.

He noted that many surrounding communities charge a base \$50 fee for services and recommended Ipswich increase the inspection type fees from \$25 to \$50, not including burning fees, which will remain at \$10.

Mr. McNally made a motion to accept Fire Department Budget of \$1,446,114. Ms. Berry seconded and the motion carried by unanimous vote.

233 EMERGENCY MANAGEMENT BUDGET HEARING

Lt Smith stated that he was not prepared to present this budget and was not privy on the information.

Mr. Craft made a motion that the Emergency Management Budget of \$10, 667 is held and a presentation is made at a later date. Ms. Berry seconded and the motion carried by unanimous vote.

CAPITAL REQUESTS BUDGET HEARING

The BOS were provided with a "Vehicle Replacement Schedule FY 2011 to FY 2031". Mr. Markel reviewed the spreadsheet and noted that the town is decreasing the number of vehicles and is down sizing; the overall total includes 77 vehicles and 27 trailers (including all town departments and equipment).

The BOS were also provided with the 'Add Back and Capital List' as prepared by the TM. Mr. Markel identified that no money is available at this time for capital projects. He briefly summarized the list noting there is cash funded capital and bond funded capital. Some items on the list are unfunded mandates.

ES

Mr. McNally made a motion at 11:50 pm that the BOS return to ES according to MGL Chapter 39, section 23A and 23B (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel and that the BOS not return to open session but adjourn directly from ES. Mr. Craft seconded and the motion carried unanimously by roll call vote.

Respectfully submitted by

Catherine Tinsley